



**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

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OR: ENG

**TRIAL CHAMBER II**

Before: Judge William H. Sekule, Presiding  
Judge Solomy Balungi Bossa  
Judge Mparany Rajohnson

Registrar: Mr. Adama Dieng

Date: 14 October 2010

**The PROSECUTOR**

v.

**Augustin NGIRABATWARE**

Case No. ICTR-99-54-T

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**SCHEDULING ORDER**

*Pursuant to Rule 54 of the Rules of Procedure and Evidence*

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**Office of the Prosecutor**

Mr. Wallace Kapaya  
Mr. William Egbe  
Ms. Veronic Wright  
Mr. Patrick Gabaake  
Mr. Iskandar Ismail  
Mr. Michael Kalisa  
Ms. Faria Rekkas

**Defence Counsel**

Mr. Peter Herbert  
Ms. Mylène Dimitri  
Mr. Deogratias Sebureze  
Ms. Anne-Gaëlle Denier  
Ms. Chloé Gaden-Gistucci

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the “Tribunal”),

**SITTING** as Trial Chamber II composed of Judges William H. Sekule, Presiding, Solomy Balungi Bossa and Mparany Rajohnson (the “Chamber”);

**CONSIDERING** the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”);

**RECALLING** that:

1. On 31 August 2010, the Prosecution closed its case-in-chief, the Chamber scheduled the Pre-Defence Conference for 25 October 2010, and the Chamber stated that it would issue a Scheduling Order to this effect;<sup>1</sup>
2. Also on 31 August 2010, the Defence stated that its ability to file certain documents specified by Rule 73*ter* ahead of the Pre-Defence Conference may depend on the Chamber’s Decision on any Defence motion pursuant to Rule 98*bis*;<sup>2</sup>
3. On 14 October 2010, and pursuant to Rule 98*bis*, the Chamber issued its Decision on Defence Motion for Judgement of Acquittal;<sup>3</sup>
4. The Chamber has previously scheduled the commencement of the Defence case-in-chief for 15 November 2010;<sup>4</sup> and
5. The Chamber has previously ordered the Defence to disclose to the Prosecution, no less than 30 days prior to the commencement of the Defence case, the identifying information of all its protected witnesses;<sup>5</sup>

**CONSIDERING** that Rule 73*ter* (B) implies that the listed documents can be filed prior to a Pre-Defence Conference, and that such an approach may be in line with the Accused’s right to an expeditious trial;<sup>6</sup>

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<sup>1</sup> T. 31 August 2010, pp. 56-59, 65.

<sup>2</sup> *Id.*, p. 59; T. 31 August 2010, p. 57 (French).

<sup>3</sup> Decision on Defence Motion for Judgement of Acquittal (TC), 14 October 2010.

<sup>4</sup> Decision on Prosecution Motion to Vacate the Trial Date (TC), 24 May 2010, para. 38, p. 9; Decision on Prosecution Motion of 24 June 2010 for Leave to Vary Its Witness List (TC), 15 July 2010, para. 44; T. 31 August 2010, p. 56.

<sup>5</sup> Decision on Defence Urgent Motion for Witness Protective Measures (TC), 9 February 2010, para. 25, p. 9.

<sup>6</sup> See Decision on Defence Motion to Strike the Prosecutor’s Request to Augustin Ngirabatware to Admit Facts Pursuant to Rule 73*bis*(B)(ii) of the Rules (TC), 26 March 2009, para. 9 (making similar observations concerning the Pre-Trial Conference and Rule 72*bis* (B)).

**THE CHAMBER HEREBY:**

**ORDERS** that the Pre-Defence Conference will take place on 25 October 2010, and will commence at 9.00 a.m.;

**URGES** the Defence to file the documents listed under Rule 73ter (B) as soon as possible, or in any event by 21 October 2010;

**ORDERS** that the Defence case-in-chief be scheduled to commence on 15 November 2010; and

**ORDERS** that the Defence disclose to the Prosecution the identifying information of all its protected witnesses, no less than 30 days prior to the commencement of the Defence case.

Arusha, 14 October 2010

William H. Sekule  
Presiding Judge

Solomy Balungi Bossa  
Judge

Mparany Rajohnson  
Judge

[Seal of the Tribunal]